IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

In C.R. No.529 of 2006
Date of Decision:- 28.08.2006

Jeet Singh ....Petitioner

through
Mr.S.S.Salar, Advocate.

vs.

Roop Singh & ors. ....Respondents

through
Ms. Seema Narang, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

This revision petition is directed against the order dated January 07, 2006 passed by the Additional Civil Judge (Sr.Div.), Sangrur whereby the application under Order 1, Rule 10 CPC moved by the petitioner for employment of the vendees, who are stated to have purchased a part of the subject property from the defendants during the pendency of the suit, has been dismissed.

Notice of motion was issued and in response thereto the respondent-original defendant has put in appearance.

Learned counsel for the respondents has fairly stated that the defendants have sold their share in the subject land during the pendency of the suit. He, however, contends that in view of the doctrine of *lis-pendense*, the vendees are neither necessary nor proper parties. On this premise, he supports the impugned order.

On the other hand, learned counsel for the petitioner contends that in order to avoid multiplicity of litigation, the vendees are necessary as

well as proper parties, more so when they have purchased the subject property during the pendency of the suit and have, thus, stepped into the shoes of the original defendant.

After hearing learned counsel for the parties, I am of the view that the vendees, who have purchased a part of the subject property during the pendency of the suit, are undoubtedly proper parties and the petitioner's prayer to implead them as defendants ought to have been accepted by the learned trial Court. As can be noticed from the prayer made in the suit, it is for joint possession of the land descripted in the plaint. Since the vendees have purchased a share out of the joint khata, it is desirable to implead them, more so when the prayer made by the plaintiff, who is master of his suit.

For the reasons afore-said, this revision petition is allowed, the order dismissing the application under Order 1, Rule 10 CPC filed by the petitioner, is set aside and while allowing the said application, the vendees as per the details given in the said application, are directed to be impleaded as defendants. The trial Court shall proceed with the case accordingly.

August 28, 2006 **(SURYA KANT)**
poonam **JUDGE**